

REMARKS

By the foregoing Amendment, Claims 1-14, 27 and 29 have been canceled, Claim 25 has been amended, and the specification has been amended to add a description of Figure 10 in the Brief Description of the Drawings. It is respectfully submitted that the amendment adds no new matter. A marked up version showing the changes made is attached. Favorable reconsideration of the application is respectfully requested.

Claims 1-14, 25-27, 30 and 31 were rejected on the grounds of anticipation under 35 U.S.C. 102(e) by Tydings et al. Claims 1-14 have been canceled. Claim 25 has been amended to include the subject matter of Claims 27 and 29. It is therefore respectfully submitted that the rejection of Claims 25, 26, 30 and 31 should be withdrawn.

Claims 15-24, 28 and 29 were rejected on the grounds of obviousness from Tydings et al. The Examiner indicated that Tydings et al. was silent regarding the wicking material being mounted to the cap, but asserted that this a common technique, without citing any prior art reference. Test strips included in a cap are disclosed in U.S. Patent Nos. 6,342,183; 6,168,758; and 5,119,830 submitted in the supplemental information disclosure statement of August 15, 2002, but none of the references cited or

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submitted appear to teach or disclose test strips in a cap and wicking material mounted to the cap, as recited in Claims 15 and 20. The Examiner is specifically requested to cite a prior art reference or to take official notice of the existence of such a prior art technique as the Examiner has cited, and to provide an affidavit supporting the official notice, in order that Applicant may respond to this rejection.

In light of the foregoing, it is respectfully submitted that the application should now be in a condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification has been amended at page 5, lines 7-20, to read as follows:

Figure 1 is a side elevational view of a first embodiment of the drug test kit according to the principles of the invention;

Fig. 2 is a top plan view of the drug test kit of Fig. 1;

Fig. 3 is an exploded perspective view of the drug test kit of Fig. 1;

Fig. 4 is an exploded side view of a second embodiment of the drug test kit according to the principles of the invention;

Fig. 5 is a top plan view of the drug test kit of Fig. 4;

Fig. 6 is a side view of a third embodiment of the drug test kit according to the principles of the invention;

Fig. 7 is a top plan view of the drug test kit of Fig. 6;

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Fig. 8 is a schematic diagram of a fourth embodiment of the drug test kit according to the principles of the invention; [and]

Fig. 9 is a side view of a fifth embodiment of the drug test kit according to the principles of the invention[.]; and

Fig. 10 is a top plan view of the drug test kit of Fig. 9.

IN THE CLAIMS:

Claims 1-14, 27 and 29 are canceled.

Claim 25 is amended as follows:

25. (Amended) Assaying apparatus for collecting and analyzing a liquid sample for the presence or absence of at least one analyte in the liquid sample, the apparatus comprising:

[means] a collection vial for receiving a liquid sample, said collection vial 5 including means for engaging said test strip holder; and

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a test strip holder, including at least one assay strip, each said assay strip having an assay region for indicating the presence or absence of an analyte in a liquid sample placed in the liquid sample space of the interior chamber of the container.